

## Hampton Roads Regional Jail

### Board Meeting 2/18/18

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#### Members & Alternates Attendance

- Robert Geis (CH) Alternate
- Jim O'Sullivan (CH)
- Chris Snead (HA) Chair
- B.J. Roberts (HSO)
- Col. Karen E. Bowden (HSO) Alternate
- Brian DeProfio (HA) Alternate
- Robert C. Ike Jr. (CH)
- Gabe Morgan (NN)
- Martin A. Thomas , Jr. (N) Vice Chair
- Alan Archer (NN) Alternate
- Nathan J. Clark (PO)
- Lt. Colonel William Rucker (PO) Alternate
- Joseph Baron (NSO)
- Lt. Colonel Michael O'Toole (NSO) Alternate
- Michael Goldsmith (N) Alternate
- Michael Moore (PSO)

A quorum was present.

#### Others Recorded Attending

Supt. Myers; Major Felicia Cowan; Captain Thurman Barnes; Deborah Hand; April Green; Dr. Moreno; Deanna Isom; Capt. Ellis

#### Call to Order

- Chairwoman Snead (CW Snead) called the regular meeting of the Hampton Roads Regional Jail Authority to order at the Hampton Roads Regional Jail, 2690 Elmhurst Lane Portsmouth, Virginia 23701, on the 18th day of February at 1:30 pm in the large training room.

## **Approval of Minutes**

Chairwoman Snead allowed time for the Members to review the minutes.

Chairwoman Snead asked for a motion for the Board to approve the minutes of December 20, 2017. Robert Geis moved to approve the minutes. Martin Thomas seconded. The Motion Carried.

## **Presentation of Plaque to Commonwealth Attorney's Office**

- Mr. Myers presents plaque in appreciation to Senior Assistant Commonwealth's Attorney Brandon Wroblewski.
- Mr. Myers – We're giving this plaque because Brandon has been really instrumental. We started some things at the jail where we find contraband, or inmates are doing things they're not supposed to, we take them straight to the Commonwealth's Attorney. And he's been very instrumental in bringing the charges very quickly. This helps us, because once the inmate knows that they're not getting away with anything, that they're going to receive additional charges, it helps us control our population a lot better. We also have a certificate of appreciate which will be read now.
- Ofc. Cox – Pleasant good afternoon everyone. At this time I would like to recognize the City of Portsmouth, Commonwealth Attorney, Ms. Stephanie Morales, and if you don't mind can you stand with me as I read the certificate? Certificate of Appreciation, presented to Brandon Wroblewski, Senior Assistant Commonwealth's Attorney. On behalf of the Hampton Roads Regional Jail Authority, this certificate of appreciation is presented to Brandon Wroblewski for unwavering commitment and dedication towards keeping our facility safe. Your initiative, responsiveness, thoroughness, and willingness to go above and beyond the call of duty are very much appreciated. We pay special tribute for your dedicated service and relentless efforts to help maintain a safe environment for the Hampton Roads Regional Jail, the City of Portsmouth, and the Commonwealth of Virginia. Thank you.
- Lt. Phillips – Good afternoon ladies and gentlemen, I'm Lt. Phillips with the Internal Affairs office and this is Ofc. Cox with Internal Affairs. When I first joined Internal Affairs, or selected, I realized there was a need to make the facility a safer place. But I also quickly found it that there's a lot of red tape that we had to go through to make sure that people were prosecuted for breaking the law. However, Brandon, he championed our efforts to direct indict inmates for assaulting other inmates, assaulting staff, and transporting contraband. And he made my job a lot easier, I learned in over 26 years of combined law enforcement, military and corrections, that you just run into people like that who are just excellent at what they do, that are dedicated, and the exude e spirit de corps to the mission. And there's really no way that you can thank him, so I went to Linda Bryant, and I said, "Listen, I gotta do something for this guy Brandon, because every time we call, he answers the call, and he's very direct and very precise at what he does." I said, "We have to show gratitude in some form or fashion." So that's when we came up with a certificate of our appreciation, I'm sure it comes up short, based on what he does on a daily basis to make this facility safe. It is my honor to present you with this plaque Brandon, appreciate everything you do.
- BW – Thank you sir, my pleasure. We have a recent success story actually. On January 23<sup>rd</sup>, an inmate was in possession of a 4 in. shank. On January 25<sup>th</sup> in the afternoon, Lt. Phillips emailed me asking me what we could do. And on Jan. 26<sup>th</sup> we created the indictment for the grand jury and the gentleman was indicted in less than

a week. So that may have been fortitude of scheduling, but we were able to turn that incident very quickly, and I think that sends a very good deterrent message and definitely goes a long way to keep the jail safe.

### **Nominating Committee Report, Alan Archer**

- You have a nominating committee report in your agenda packets, so you do have some background around the work that the Nominating Committee put it into the nominating effort. This is a very important annual process that this body undertakes, and members of the committee take the job seriously. And over the years we have amended the bylaws to make the selection process easier and a little bit more efficient to manage. And the most recent amendment was the identification of a succession management plan, that allows each jurisdiction, each member of the Hampton Roads Regional Jail to anticipate its leadership role either in the form of Chair or Vice Chair. And so this helps a great deal with thinking of who the member jurisdictions would like to have represent them to their jurisdiction. We used the bylaws as a tool to guide us through this process and through the years it has been easier to manage. And so, I'm certainly happy to announce that in accordance with our bylaws, the Committee reached a unanimous consensus to nominate Martin A. Thomas Jr., City Council Member, City of Norfolk, as Chair; and Robert N. Geis, Deputy City Manager, City of Chesapeake as Vice Chair. Additionally, the committee nominates Ronaldo D. Myers, Superintendent of the Hampton Roads Regional Jail to serve as Secretary and Treasurer. The term of each appointment is one year, or until their successor is elected or until they resign from office. Each candidate accepted nomination and agreed to serve their respective term and duties as an Officer of this Board.
- Therefore, I move the appointment of Martin A. Thomas Jr., City Council Member, City of Norfolk as Chair and Robert N. Geis, Deputy City Manager, Chesapeake, as Vice Chair, and Ronaldo D. Myers, Superintendent of Hampton Roads Regional Jail, as Secretary and Treasurer. Madame Chair that concludes my Nominating Committee Report.
- Sheriff Morgan – Madame Chair, I second.
- Motion passed.
- CW Snead – Now in the bylaws, it says a, “voice vote”. Is this considered a voice vote? Or do we have to do each individual?
- Archer – I don't think we've done a roll call in the past.
- CW Snead – Congratulations to you Mr. Martin Thomas, and to you Mr. Geis. From what I understand, I get to continue this meeting, until the budget is approved.
- Archer – Yes, for continuity of the meeting and planning purposes, I think that's what I would recommend. But Martin said to me during the lunch hour that he couldn't wait, so I don't know if he wants to...
- Martin Thomas will serve as Chair starting at the next meeting.

### **Review of Operations and Activities**

#### **Security, Capt. Barnes**

- Last board meeting we had a presentation on the board where we had a snap look at some of our inmate living areas, and what the staff was dealing with trying to supervise some of the inmate living areas. Between that time, we have done some pod modifications, some behavior modifications tools as far as helping the officers out as far as supervising the inmates. Due to staffing, sometimes, that officer is responsible for trying to supervise upwards of 100 inmates at a time in some of our split pods.

- So we tried some behavior modification tools and it seemed to work out very well. With those behavior modification tools in our split pods – what we do is alternate the times that the inmates come out. One side in the E dayroom, we'll let those inmates out for a period of time. And the officers seem to like it, because 1) they were able to focus on just one side of the dayroom instead of trying to pivot this way; and it improved our inmate behavior.
- One of the other things we're doing – Brandon was up here earlier – we've initiated some random searches in the facility because of some of the contraband we were finding in the facility, with homemade weapons and things like that. It's working out very well. Anytime inmate movement is done, whether it's from medical, from laundry, or the kitchen, law library – everybody's being scanned with the metal detectors. So some of the weapons that we have found have been in our common areas, because the inmates don't want to get caught with the weapons now, because they know we're doing these searches. So that's worked out well.
- Since the last meeting that we had, we have had no serious injuries to inmates or staff. With the type of populating we have, inmates don't always get along, so they have confrontations, where they're fighting. There have not been serious injuries to inmates or staff. If there was a use of force issue in the facility, there were no serious injuries to inmates or staff during any use of force issues that we had in the facility.
- Other than that, everything seems to be working well. The officers are working hard, despite some of the staffing issues. But they're working hard and doing an excellent job.

#### **Human Resources, CJ Bruce**

- In regards to our separations, in the past 3 months since December, we've had a total of 25 separations. 9 within December. 5 retired. 3 resigned. 1 terminated. A total of 10 in January. 2 retired. 8 resigned. And 6 so far in February, additionally one captain this month. 2 of those are retirements and 5 are resignations.
- To help with replacing those separations, we do have a list of hiring fairs and recruiting events that we are coordinating and attending. Each one that I receive an invitation for, I'm definitely there. On both sides.
- Some of those included are the VEC office in Hampton. We did attend the, "Get Hired Hampton" event at the Hampton Roads Convention Center with a volume of about 2,000 individuals. We just conducted another hiring event in Norfolk. We will be attending the Law Enforcement & Public Safety Career Fair at Tidewater Community College this week, which is actually tomorrow. Another one we're trying out is the Suffolk Workforce Development Center. They're allowing us to open up an event as well on the 6<sup>th</sup>. And one in Chesapeake. We try to support all locations. The Next Generation Opportunity Fair, that's on Mar. 1<sup>st</sup>. ECPI University, we're supporting both locations for that as well, Virginia Beach and Newport News – which is Mar. 21<sup>st</sup> and April 18<sup>th</sup>.
- Each and every day we're cold calling applicants to receive applications every day. We're maintaining full involvement with the Virginia Department of Veteran Affairs to assist with our recruiting efforts.
- We have also established an employee referral program as well. Questions?
- CW Snead – How many vacancies do we have total?
  - Bruce – 36.
- Sheriff Baron – Two things. Has HRRJ looked at maybe considering hiring 18 year olds?
  - Bruce – We do.

- Sheriff Baron – You have the new incentives up there, employees \$250 if they bring somebody in and they stay for 6 months, and if they stay an additional 6 months, they get another \$250 if they've been here for a whole year. How are we paying for that, where is that coming from?
  - Deborah Hand – Vacancy Savings.
- Vice Chair Martin Thomas – Are we doing an exit interviews to find out whether there are any trends for the reasons some of these people are leaving?
  - Bruce – Yes, each and every person we conduct an exit interview for. Many of them, job is too stressful for many of them, childcare, etc. Some of them have gone to other locations and found other employment.
  - Vice Chair Thomas – I think it'd be appropriate to receive a report at the next meeting that itemizes and provides trends on the reasons that were given, so that we can be aware of any (issues?) that need to be addressed.
- Sharon Scott – My question is, of the 36 positions that are (unfilled?) where is the biggest liability for the facility?
  - Supt. Myers – Making sure we stay safe, making sure we have the appropriate level of people. The housing unit areas. That's where your biggest liability is. Making sure that you have the appropriate level of staff to cover the housing units. And we're doing that through overtime.
  - Scott – Was there any conversations, we had last time, about bringing in part – time people, or police officers to work part – time. Where are we with that?
  - Bruce – I have a total of 8 so far.
- Sheriff Baron – I know Sheriff O'Sullivan brought it up last meeting, but has there been any efforts made to civilianize support jobs?
  - Supt. Myers – We've thought about it. I'll give you the textbook answer to it. If the board wants to pay for the civilian positions, yes it's been thought about. If the board is willing to pay for those positions. The comp board will not pay for so many civilian positions. I think we've maxed out on those. So, that's what you have.
  - Sheriff Morgan – I will tell you that, the comp board does not direct how you utilize your FTEs. If you got 350 FTEs, you can use those FTEs how you see fit. So, they're paying for an FTE, so say the mailroom for example – there's not a, if you want to make that a civilian position – what that does, it frees up the training requirement. It also frees up the recurring training requirement for that position. Now, can you rotate that into a security position? No. But the bottom line is, if it's truly a position that is can be filled by a civilian then it may help, because you don't have to go through all the training, they don't have to go to the academy. They don't have to maintain all those things. So I think that's what they're questioning. But just keep in mind that Comp Board only provides FTEs, how you utilize them is up to you.
  - Sheriff O'Sullivan – If you approach them and say, "We'll drop one of our sworn positions if you give us two positions that are civilians, then we feel we can hire for about the same amount of money to work to in the mailroom or in the front desk," can they switch them from the sworn to the civilian? I would think that they would be able to do that.
  - Myers – I'm not sure how the comp board does that, because normally it's a body for a body.
  - Sheriff Baron – One of the things, no disrespect, but you may be able to find some folks out there to fill civilian spots. There's spots you're gonna have to have in that position anyways. It may be easier to find someone who doesn't want to go through the academy, doesn't want to do all the law enforcement

part of it – fill that position, and then you can use whoever you are utilizing in that position, over into the corrections part. You gotta have a body for that position anyways, whether it's civilian – it cost you less money, and it's less training required, you know it's just something that, you know...

- Myers – And it's not that I disagree with you, however you still can't replace that body, as I understand it. Yes, it's gonna be cheaper.
- Sheriff Baron – Well, I'm not asking you to replace it. You already got a body in that position. I'm just saying put a civilian in that position.
- Sheriff Morgan – The only thing he's trying to allude to is, you got folks that are standing out there, and will probably take a mailroom job, versus a deputy job. So if you have someone on the outside, that's going to take a mailroom job, as a civilian – you take the deputy or the corrections officer out of the mailroom, and put them into the security staff. So in actuality you're hiring, but you're not hiring at your upper levels, and you're hiring where people would be more apt to take that job versus the difficulties in taking a corrections job.
- Myers – I'll look at the salaries and look at how we can do this.
- Scott – How many administrative positions are open?
  - Myers – We just filled three.
- Archer – This is really just a follow-up question that Mr. Thomas already asked, but are we collecting through regular exit surveys those reasons that jail personnel are leaving currently?
  - Bruce – Yes
  - Archer – So the data is already there, it's just a matter of putting in a format.
  - Bruce – Yes. 10% refuse to do the exit interviews.
- Geis – So we're at 36 vacancies right now?
  - Bruce – Correct.
  - Geis – In the sworn positions? We filled all the admin positions?
  - Bruce – Right.
  - Geis – Do you remember in December what that number was? Are we trying up or down?
  - Myers – We're about the same. What we found out, is that we were not counting all the vacancies. We were relying on the captains to know how to do vacancies in one particular area, but he was only counting the vacancies in his area. And there was a miscommunication between us, thinking that he was accounting for all the positions. We discovered we had 8 more or 9 more vacancies.
  - Geis – So we had 26 vacancies in December... What I'm trying to determine is if we are hiring more than we are losing? Is our attrition rate lower than our hiring rate? Are we in a positive trend, flat trend, or a negative trend?
  - Myers – We'll look at the information and see where we are.
  - Geis – I think that's probably a good metric for a board to hear. I mean know that's your daily operational grind, you all are dealing with people that are sick every day, but sometimes it's hard to look strategically when you're fighting tactically. That's one of the things I think the board's role is, is to help keep the head above and look out into the horizon. So really, big picture, trend things. Are we on a positive trend, flat trend, or negative trend when it comes to hiring corrections officers and what are strategies are? I think you alluded to the hiring fairs and things like that, which is perfect, I think that's really good for us to hear.

- Vice Chair Thomas – At the next meeting do you want them to bring us a year's worth, six months' worth of facts & statistics and you take a look at it and look at the trend?
- Myers - To be honest with you, it's only been...exit interviews.
  - To Bruce – It's only been since you've been here right?
  - Bruce - Since about August
- Myers - We wouldn't have a whole year's worth.
- Vice Chair Thomas – We got to August for the exit interview information, so we'll have more fidelity information on why people are leaving. But, as for trends for hiring and leaving, we could have that for a year. If we could get a year trend, a six months trend, and from the last board meeting – that kind of gives you the long range, the short range trend.
- Sheriff Morgan – Just to put in perspective, because I deal with this every day. Every corrections facility, every law enforcement facility, is going through the same, exact, thing. BJ and I were just comparing numbers, you know, 22, 23, out of our police department are running the same numbers. It's an industry wide issue. It's more acute in corrections because, as Mr. Myers alluded to earlier, it's tough. This is a tough job. Most people equate to policing as a tough job. But when you gotta live inside it's tough. Most people take the job, thinking they can do it. But once they get in here, the reality sinks in. And all of a sudden, they're doing hard times with these inmates. And it's hard to fill those positions. (To Bruce) And, you know, all the things you're doing, you're right on point. The exit interviews, are gonna kinda give you an indicator, but at the end of the day, if you're running 15-20% attrition, that's about normal. And that's just to put it all in perspective. And Joe, I don't know if Norfolk...
  - Sheriff Baron – 20%
- Myers – The last time I did it, we were at approximately 14%

#### **Maintenance, Capt. Ellis**

- Numbers since last board meeting
- 4,782 inmates seen by medical (sick call, dental, mental health)
- 203 transportation medical & mental health trips (medical appointments, TDOs, inmates being taken or released from mental health hospitals)
- 212,893 meals served by the kitchen
- Maintenance has completed 918 work orders. Replaced 2 PVI boilers, with new, condensing boilers.
- SimplexGrinnell performed 5 year check on our fire system, and there were no issues.
- Intake has had 422 new intakes, 400 released.
- Health inspector was here for annual inspection on Feb. 15<sup>th</sup> – outstanding review.

#### **Medical, April Green**

- Recap for 2017, this is a big site with a lot of sick folks in here. We had over 330 ER runs for all of 2017. Of those 335, 108 were admitted to the hospital.
- We completed over 800 offsite specialty office visits.
- 62 TDOs for las year. 4 in January, and already 2 this month.
- Last year the total cost of HIV was 1.5 million, and that is just for the medication costs alone. For the month of January, that cost was \$96,000.

- We are currently monitoring 3 high-risk cancer patients. One is undergoing chemotherapy and we're getting ready to get her transferred to DOC. There's another patient who's undergoing chemotherapy and she's being monitored onsite. She is not a DOC responsible patient. And one that we just recently worked up has prostate cancer, and he is in the process of getting staged to prognosis of the treatment. And we're looking to see if he's eligible for mental health court in Norfolk.
  - Sheriff Morgan – The high-risk chemotherapy, what stage are they in?
  - Green – So, one woman has inflammatory left breast cancer so that's a very aggressive form of cancer and her prognosis is not great. They haven't given us a specific timeframe. She is state-responsible, so we're trying to expedite her transfer to DOC. And the other patient is looking at a four year sentence, he is not been completely sentenced, but because his guidelines and his history of criminal activity, he's looking at four years. And he has been staged yet. He's gonna go very shortly to get his CT scan for his staging. And then again, his prognosis is not great either; they're thinking it could be stage 3 or stage 4. But again, that is yet to be determined.
  - Sheriff Morgan – And he's not state-responsible?
  - Green – Correct. And that was discovered since his incarceration here. So that's something he did not know before his arrest.
- Baron – The 108 hospitalized, how long were they hospitalized?
  - Green – The average length of stay was 4 days.
- In December we agreed to change the transfer policy and that has been going very well. I hope that all of you are very satisfied with the 7 days being able to transfer people over. We've seen a significant reduction in the number of special needs requests as a result of that. Any feedback or questions for me?
- Vice Chair Thomas – How long is the medical contract?
  - Hand – It renews next February, for 2 more annual
  - Sheriff Baron – So the renewal is next February?
  - Hand – Yes. Well we renegotiated the contract in February, because we changed the way we process the claims, and Ms. Bryant renegotiated the management fee and brought the management fee down.
- Are we still doing a cost-plus?
  - Myers – Yes.
  - Sheriff Baron – When can we get away from that?
  - Hand – We can rebid the contract at any point, with 180 day notice.
  - Sheriff Morgan – I have two questions. 1) The renegotiated contract, was that brought back to the board?
    - Myers – Not sure that was done back in 2017 in February.
    - Hand – No sir.
  - Sheriff Morgan - If not, it should have.
    - Hand – I know that you were told about it, I don't know if you voted on it. But that was a year ago.
  - Sheriff Morgan – And then to Joe's comment about the cost-plus, without the cost – plus, I doubt we're gonna ever get someone to bid without paying an astronomical cost. Because of the type of facility you're in. Now, we could try it, and put it out there and see what happens, but the risk that we run.
  - Sheriff Baron – If we don't like the bid Sheriff, we just put it back and redo it. But, we're paying – it seems to me – and I could be wrong, we're paying a certain amount of money and there's a lot of plus. You know, if the board,



with all due respect, or Mr. Myers, has been providing oversight on what's being spent, I'm sure you have.

- Myers – Yes.
- Sheriff Baron - I know that we had to do it. I just know what we experienced. We had to make sure that the staffing was what we were paying for. There were a number of things that we assigned somebody that watches every single penny that comes in and out.
  - Myers – We do too. And we have somebody reviewing charges, inmate cost.
- Sheriff Baron – I would be interested in seeing what would come out of putting out the bid without the cost-plus.

### **Finance Committee Update FY 2019 Proposed Annual Budget, Brian DeProfio**

- DeProfio - The Finance Committee has met several times on the proposed budget. The FC has reviewed the information that has been provided, and we recommend approval of the budget. Turn in it over to the Superintendent to go over the Budget Presentation.
- Supt. Myers – Basically an overview of what's going on and we're gonna talk about this in 3 categories. Budget discussion points, gonna talk about the budget high points, budget drivers, capital improvement, project and other services and support.
- Budget high point is the state is going to possibly OK a 2% increase for state and comp boards for the employees. So what we did in the budget, we have that money laid aside to make sure if it's approved, it's already in the budget, we don't have to come back to you to spend it. We cannot spend it unless you give us permission to allocate that to the employees. So that will not be spent unless you say so, I want to make sure that's clear.
  - CW Snead – So the anticipated money that the state will pay for the 2%, is that included in the budget?
  - Deanna Isom – It is included.
  - CW Snead – So if the state comes back and says, "We're gonna give 1% instead of 2%," then....
  - Myers – We're going to lower our amount.
- Budget drivers – Jail Evolution: staffing and overtime has really driven it up. When we did a staffing analysis we noticed that we're actually short what we should be manning in the facility. I went back and did research. Back in 1999, there was an analysis done that said you were short, I don't know what happened after that. 2007 there was a staffing analysis done that said you were short, nothing happened after that. 2017 said you were short again.
- But overtime is one of the drivers. We put in the budget \$700K for OT, so we have enough for OT. Comp time, I will tell anybody that if you do comp time all you're doing is delaying the inevitable. It's gonna come and you're eventually going to have to pay that out anyway. Because when that person leaves, according to accountants, you gotta have that money stashed aside if everybody leaves. It creates when you do comp time also. So \$700K set aside for that.
- Medical, what is the right size for medical? I have done research, after research, after research, to find out. Someone talked about staffing on medical, to make sure we have the right amount of staff. All the research I've done over the past month or so, doesn't really say anything. They give you how many doctors you should versus how many inmates. I got anywhere from 1 position for every 200 – 700 inmates. Only

- thing they say is “adequate staffing”. We have taken steps to monitor what we have, we have a lieutenant position back there and that’s all he does, helps with security in medical. And he accounts for folks making sure they’re here. See who’s here, and who is clocking in on our clock. We’re actually trying to manage that part.
- Medical costs came to be 2.3% increase. Total, for the last 5 years, medical has actually went up 8%. Over 8% is what I should say. So, what we’re expecting our medical budget to be is 11.3 and some change, that’s what we budgeted for it. And so far it looks we were right on point with that, so far this year, we spent almost \$7 million in medical; that includes pharmacy, staffing, and other treatment.
  - Sheriff O’Sullivan – I got a couple of questions in reference to staffing. When you did the policy change to institute that every jail officer works the mandatory two overtimes a month within a 28 day cycle, right?
  - Myers – It depends on the scheduling, sometimes they work one, sometimes they may work two. It depends on where they are in the schedule.
  - Sheriff O’Sullivan – OK, ‘cause I was told that it was two, that they had to work two for every 28 day schedule.
  - Myers – It depends on the schedule. It’s a roster that they use and some of them will work one, and occasionally we’ve had some work three.
  - Sheriff O’ Sullivan – OK that’s obviously a major thing, the overtime, when you increase it I think that’ll probably be like 1.6 million for the FY. When you decided to do the mandatory overtime, did you make sure that we had enough money to pay for it?
  - Myers – It was taken out of salary savings.
  - O’Sullivan- Because I came up, like I said I was just getting information that was sent over to me, I asked a couple questions from staff members. And they said it was 20 mandatory, basically about 20 mandatory overtime hours for each 214 officers. Which will basically give you about 6 ½....
  - Capt. Barnes – What was your last question sir?
  - O’Sullivan – It basically would put about 6 ½, if you average out, about 6 ½ people working overtime per shift.
  - Capt. Barnes – Yes, based on the roster that we created, it’s about six people, but that fluctuates because some of those people are in the academy they’re in training, and in some instances we’re looking at six to supplement the staff shortages on each shift, each day and sometimes you may get 2 or 3. I wanna say sometime between December and now, when flu season gets hard so to supplement those people who don’t show up, some of our 8 hour officers are staying on late just to help the team, now when we experience short officers. Sometimes the officers will come in and we get a full 5 or 6 people to come in to supplement the overtime and shifts run smoothly, but there are those times that they don’t have the 5 or 6 people to come in.
  - Sheriff O’Sullivan – Yeah and that’s what I was kinda looking at, because I based the information...you know, I can be hard-headed sometimes or hear things different when people say it, but it was that basically that everybody was working 20 overtime hours a 28 – day cycle. And if you have 33 -35 officers on each shift, and there’s 24 posts...I mean you always have 10 whether that be sick, leave, annual leave, a “Kelly day”, training, military leave, you know different things like that – that’s a 10 person buffer there. But then you added in – I didn’t wanna see a thing that it’s a mandatory thing that everybody works overtime, and these people come in, it should be adjusted every single shift to manage it. Not a basic thing that says we need 6 extra people every night.

- Myers – They probably need to plan for 6 people every night, I'll be honest with you. That's how short we are. Even if we do the changes – and I'm going to seriously look at that – we're still short. The shifts have 40 people; 40 people assigned to each shift. Subtract all the folks you said, normally that gives you right about 32. Just in security alone, they're probably about 41, 42 positions that need to be manned, for this place to actually operate the way it should operate. The picture that we showed last month, when you had one officer watching 112 inmates, the jail was not designed that way. It was never meant to be that way. And the way we're operating, it's.... unsafe for the staff. They make do, over the last 20 years, (excuse my French) they've done a hell of a job keeping this place settled and safe. But eventually things are gonna happen out of their control where we can't observe everything. And those are the things I'm trying to look at. Because if we're not proactive in doing something, something eventually is going to happen that is worse.
- We're tasked here to keep the community safe, and when I look at overtime, I look at it as something essential. Because one thing I know, what happens when you start instituting overtime, that's time away from people's family. That's serious business. But also, I would hate to have to tell a family member, a person got assaulted because we didn't have enough staff to get from point A to point B in enough time. And those are things I'm looking at. It's very difficult to say...I raised this question to staff yesterday, "What if we don't do overtime, where is that going to put us at?" That'll put as back at pods are not being supervised by anyone. They can't even go make rounds, because no one will be able to watch their back. And that's the thing I'm trying to avoid. I understand staff gripe about it and they have some issues, but the bottom line is, you have tasked me with keeping this place safe. That's what ya'll have done. And I'm doing everything in my power, and I know the budget – there's not an infinite amount of money in the budget, no matter how we look at it. But one thing I've tried to do is to say, "OK, how can we do this?" We've put things in place to minimize what the officers doing. Because one time I did a cursory look at overtime, and I was thinking, "Why is overtime so high?" Folks were complaining about overtime, but they were coming in all kinds of places. But now, all overtime goes back in the housing units.
- O'Sullivan – And I know its paramount, you gotta keep a safe and secure facility, I would never say short staff anything, you have to man those posts. But I did pull three sheets from last week, and there was 25 people in those positions on one day, and 24 in those positions on the other two days. Which those platoons have 35 officers and 6 other people coming in overtime, which is 41 to fill 25.
- Myers – No, subtract your people off.
- O'Sullivan – It did subtract people off.
- Myers – You may have, I have to look at it.
- O'Sullivan – I pulled an extra roster sheet – you can see there were 10 people off. A few of the different things, whether it be military leave, sick leave, annual leave, but you had the additional ones coming in overtime. I just wanna make sure that overtime is being managed appropriately, that's something that needs to be done every shift, everyday – there's different standards for the night than there is for the day time. I just wanna make sure we're not getting into a thing where it's just, hey we're having six people coming every shift to fill in, or otherwise the overtime is gonna be.... Like my overtime for the year is \$300,000, and it's the same size facility. And I know this facility has a lot of its own issues are very difficult to deal with, but 1.6 million in overtime is a *lot* of money.
- Myers – And I understand that.

- Sheriff Baron – I guess the teams are allowing 10 people to take off and then we're back filling them?
- Myers – It's not *allowing* them to take off, no sir.
- Capt. Barnes – You're absolutely right sir (referring to Mr. Myers) most of the watch commanders will only have 3 or 4 people. Right now, I believe there's class 17-1 in the academy. So those people still count on that duty roster, even though, you look at the total number, it may be 35 people. But if that shift has four people in the academy, then actually when you show up you only have 31. So no, most of the watch commanders on the four shifts, they'll only ....?? 3 or 4 people off.
- Sheriff Baron – Right now, the current level of vacancies is how many? 36. Your total authorized positions – I guess civilian and sworn – how many authorized sworn positions do you have?
  - Ms. Hand – 250
  - Baron – What about sworn?
  - Ms. Hand – 285
- Sheriff Baron – But you're short 36? I guess I'm just looking at the numbers and trying to grasp and understand. 'Cause we're all concerned about, you know, you're staffing, we're all concerned about what's going on. But if you have 285 sworn, and you have 4 teams that are supposed to be 40 each – that's 160. That leaves you with 125, minus the 36.
- Myers – No sir, you're counting wrong. Don't forget, transportation, major, major, major part of this jail. And that's one of the things that...
- Baron – How many people? According to the last meeting you have 20 people that are transportation.
  - Myers – Yes.
- Baron – 20 people, minus the 125. So that's 105, minus 36.
  - Myers – Now you take your records people. And that's one of the first things that I did mention when I first came here and I talked about where we had officers. I did say that we had officers in places that we shouldn't have officers. I did say that. But, how do we want to do those positions?
- Sheriff Morgan – Madame Chair, I don't want to cut the discussion, but I think we probably ought to move this into a subcommittee, and then come back to the full board. So that we can have the time to really explore this perfectly.
- Sheriff Baron – If I could, that's really where I was going with all this. Last month, Sheriff O' Sullivan brought up the question about the Operations Committee, and has the Operations Committee met? And has the Operations Committee taken a look at how the operations are going, so they can report back to the board to let us know, "Hey this is what we see, and this where improvements can be made, and guess, what – you're stuck." And the Operations Committee, as far as I know, has not met.
  - Sheriff Roberts – That's not true Joe.
  - Colonel Bowden – That's not true.
- Myers – I'm not sure who had the, who was responsible for the Operations Committee in 2016, ya'll did an audit of the jail...One of the things they talked about was the staffing issues here. And they did mention that some folks were in positions that should be in the back, or civilianized. Those are the things that were discussed. But, you're still gonna be short when you take out those positions. I told staff there are certain positions here where we should have civilians. Possibly the records room, the mailroom. I've talked about that stuff.
- Lt. Col O'Toole – Can I receive an invite to the next one, because I did not receive an invite.

- Col. Bowden – And we talked about that and I told you, “Yes.”
- Sheriff Baron – When was the last Operations Committee meeting? That’s not clear.
  - Myers – November?
  - Col. Bowden – We had a telephone conference on last Friday, and we’re going to meet again today, after this meeting.
  - Sheriff Baron – Can Norfolk get invited?
  - O’Toole – I promise to be nice.

\* inaudible chatter ensues\*
- CW Snead – I know this is my last meeting, but I got to gain control here. I’d like to put on the table, with the SOP committee working, but it looks like you sheriffs have a lot of concerns too. And so, what I would like to suggest is that Mr. Myers consider meeting with you all (sheriffs) on a quarterly basis. So that *you* all can talk about what concerns *you* have regarding this operation that can maybe funnel to the SOP for them to study and come back to the board. Because, we could sit her all day long and question, and just make innuendos or whatever. So that’s one of my suggestions, because I think that *you guys* know how to run the jail better than any of us elected officials because you run jails all the time. And so, you all could possibly help the Virginia way. Am I making sense? So would you be willing to do that? (To Mr. Myers)
  - Myers – I have no issue with that.
- CW Snead - So you’re gonna call a meeting with them. I do think that will really help this situation...a lot.
  - Sheriff O’Sullivan – Can we do it within the next couple of weeks?
  - Myers – Yes sir.
  - O’Sullivan – OK, thank you.
- CW Snead – And that doesn’t take away from the SOP committee at all, but it can maybe funnel things to the SOP.
- Vice Chair Thomas – Madame Chair, I have a question on a different issue – the medical services cost...looking through your report here it looks like 2017 you had 11.4 million in actual costs, and then your projected in 2018, 9.6, but now you’ve revised it that to 10.7.
  - Myers – What I looked at – CCS was new – I looked at all the issues that we’ve had coming up to that. That’s why I tried to right-size up there and it looks like we’ve probably plateaued now to where we wanna stay there. The only exception to that is possibly consumer price index (CPI), costs that they can go up every contract year. But I’m thinking that because they were new, they didn’t know what they were getting into the first time, because we have a cost-plus model. The management, they have basically a fixed management fee and the CPI would increase on that part, I believe. But the rest of medical we’re paying for the care and for the meds. I think that it is more or less over the plateau now. Where we can see it level out now, it’s not going at a sharp increase.
- Vice Chair Thomas – Has the budget committee reviewed the medical contract, at any point?
  - DeProfio – Uh, the Finance Committee had an extensive conversation about the medical costs and we looked at the historical trends. Now in terms of the medical contract, specifically, that was entered into a couple of years ago. At that point and time there was a consultant who was hired for their expertise in corrections and medical, and he guided the board along in that process. The medical provider and different sheriffs here, might have different

arrangements, with the medical providers, but from my understanding, is that the medical provider is the same medical provider of most of the jails.

- Sheriff Morgan – 4 out of the 5.
- We did have an extensive conversation about what the right amount was to budget for medical. And that was a big driver in the per diem.
- And who was involved in the discussion to do cost-plus versus (?)
  - Sheriff Morgan and DeProfio – The entire board.
  - DeProfio – At the time we expected to receive a 3 million dollar increase in cost (??), if we didn't do the cost-plus model when it was presented. When we did that we also had enhanced service in terms of additional mental health service provision embedded in the cost-plus contract. It was sort of a, greater service, lower cost when it was presented to the board.
  - Sheriff Morgan – And just to add to that, one of the reasons we went for a cost-plus, that sizable increase would have meant a sizable increase for everyone. We're paying for something where we don't know what we're gonna need. So we're paying them to pass the risk. The cost-plus, we assume the risk and we help manage the contract. We're still paying, but we're only going to pay for what we're using. And that was the benefit because of this type of facility versus someplace else where they can kind of estimate based on population and that kind of stuff. We, as a board, made a conscious decision, if we're going to assume the risk, we need to be able to manage that risk versus playing someone else to assume the risk. And the 3.2 is the CPI index that basically everybody was handed this year. We paid only on the management side of it, most of everyone else paid over the entire contract. It's one of those things where we're looking at how you minimize costs here.
  - So the cost *looks* high, but that's the type of people that we're sending here and at that time we had a discussion - and BJ brought this up today, at lunch – we talked about doing a percentage of how many truly sick folks you can send out of your overall population to kind of stabilize that across the board, but we haven't done that. So the bottom line is, if you have 250 beds, you can send 250 of your worst inmates here, if you have 100 beds, you can only send 100 of your worst inmates here. So that cost, is then shared by everybody in here. So if we really wanna talk about, holding the cost of medical, then we need to have some *real* organizational talks about how we manage the inmate population that we send here.
    - Vice Chair Thomas – As a whole.
  - Vice Chair Thomas – That talk doesn't really change anything, because whether we pay through it the region or pay it individually, it's the same amount gets paid.
  - Sheriff Morgan – But it does change something, it does. It changes something for those who don't send as *many* sick, because what happens is, for example: We may pay more of the overall cost because the cost is higher and we're not sending as money. So each individual locality...
    - Archer - Shares the (?), it changes the proportional cost share at the local level.
  - Sheriff Morgan – Right. So right now, it may not be in my interest to....
    - Vice Chair – If everyone agreed to only send 50% sick people and 50% healthy people, that doesn't really change the mark, because that 50% that you're keeping at your jail, you're just paying more for. The

ratios may change slightly based on how many you're sending, but it's still getting paid for by the locality.

\*inaudible chatter from the group\*

- Sheriff Morgan – No, no. He's technically right. I'm not talking about the ratio of here. I'm talking about the amount that the locality pays out would change, because if I don't have that many to send, then I'm not going to paying that out. That's where if you do it based on proportion changes, so in essence the locality will pay less.
- CW Snead – The one that sends the least sick people, will pay less.
- Sheriff Morgan – There you go. I needed a finance person to help me out with that. I may not be articulating it correctly, but trust me, I've done this.
- Vice Chair Thomas – Where I was heading though, my next question would be. Is now an appropriate time to look at *how* this contract has performed over the last two years, compared to how it was sold to this board, and make a decision on whether it's the best type of contract to continue with.
- Michael Goldsmith (?) – Have we done the analysis to see if we're actually better off with the cost-plus? Compared to what we would've done?
- Myers – I don't think we'll actually know unless we actually bid out a fixed cost. But I have to agree with Sheriff Morgan, a fixed cost would probably, once they do the history, we're probably talking about 13, 14 million at the start. That's just a wild guess, to be honest with you.
- Goldsmith – What are we paying now?
- Myers – About 11.4 is what we budgeted.
- DeProfio – I think one thing we might be able to do is look back at, I think we did get a bid from a provider as to how much the increase was going to be when we had the other model. So, we can kinda look at and where we are, and if that was higher than where we are, then we know we made the right decision. As kind of a quick, peck at the envelope type of analysis. But if it's not then we probably need to look at some additional options.
- DeProfio – We were at 10 million dollars, 2, 3 years ago. So basically we need to look at that and look at where we are and see the difference.
- CW Snead – Is that something the Finance Committee would look into? Staff will look into it.
- Myers – Capital Improvement Plan: You'll notice by third item on here is air handlers. In order for us to adjust the temp, we cannot do it electronically. We have to manually go on top of the building to move the air handlers around to adjust the temp in the building. That's what is in this budget here. We found out our fire panel was outdated we have to replace that. Those are some of the drivers for the budget. I think we asked for \$777,000 for that.
- Increase in utilities – water is up, sewer is up. We're not sure, to be honest with you, why the water is going up, we've checked for leaks in the building, but the water is constantly going up. I don't know how it is in some of your facilities, but for some reason, our water has been going up and there is no leak.
- This budget was a \$4 increase, and we're using one-time funds that we got back from security upgrades which was ??? . The larger increase of what we originally proposed to the Finance Committee, the original one was \$8. We managed to bring it down to a \$4 increase to a total budget for 42.8 and some change. It comes to a \$4 per diem increase.
- CW Snead – Any questions?

- Sheriff Morgan – I have a lot, but I'm gonna yield to my rep in the Finance Committee and just assume that all of the questions have been asked.
- Myers – Oh yeah, what 4 meetings? And several emails back and forth.
- Sheriff Baron – I yield to my Finance rep as well, you know, as far as the \$4 because we talked about it yesterday. We all had a couple questions when we looked at pg. 40 and it says the, "General Operating Budget", there are some areas that, you know, we spent more than we obviously had projected that we would spend for in the budget. One was medical services, that's been gone over multiple times. And the other was, "Other Charges". I take it the Other Charges is the waters bill and utilities bill?
  - Hand – Yes
- Baron - And we spent over \$500,000 over what we said we would?
  - Myers – That was water, sewer, electric, and gas.
- Baron - \$500,000 more than we thought we would?
  - Myers – Yes. Over what we projected.
- Baron – And then it says, "Materials & Supplies", we spent \$172,000 more than what we had projected we would spend.
- CW Snead – We're not on the Treasurer's Report.
  - Baron – Oh, we're not?
  - Sheriff Morgan – Oh, this is not the budget?
  - Deanna Isom – No, that's not the budget.
  - Baron – It says Operating Budget, I guess it's a Treasurer's Report.
  - Myers – It's part of the Treasurer's Report.
- Baron – I guess it goes inline though because it says the jail saw decreases in Materials & Supplies in 2016 and 2017, so the proposed budget reduces that expense by 3.87, but here in your Treasurer's Report, you're spending more.
  - Hand – Right, we worked up that budget October and December based on October numbers. Started with October numbers and utilities have gone up, supplies have gone up, and maintenance repair supplies.
- Baron – I will defer to my Finance Committee representative, thank you.
- CW Snead – Anything else on the budget? Do you want to do the Treasurer's Report?
- CW Snead – I need a motion to adopt the proposed annual budget.
- *DeProfio moved that the board accept the budget, Archer 2<sup>nd</sup>. Motion passed. Budget approved.*

### **Treasurer's Report, Deanna Isom**

- In revenue, our Out of Compliance, we're projected to come down lower than we normally projected. Because we're getting out DOC inmates out and to DOC earlier, so we don't have as many medical costs.
- Investment income is up higher than we projected because we moved money to LGIP where we're getting a higher interest rate on our Operating Reserve. So it's sitting into an account where we're actually learning a higher rate of interest.
- Special revenues are going to be up, that's due to more of the inmates using commissary and families having packages sent to inmates.
- Personal services and employee benefits – we're actually using vacancy savings to cover our increase in our overtime cost. So that's kind of...right now we're currently projected to be favorable, however, as we hire new people, that may increase, because



we're going to start adding benefits that we're using too as part of our vacancy savings for overtime.

- Medical is going to be over cost, that's already been discussed
- Materials & Supplies, that's more maintenance and cost of maintenance repairs on this building that's driving that cost. Any questions?
  - Sheriff Morgan – Have we looked at the water utilities and try to determine what the increase is? Are they running water for Ramen?
    - Hand – We have looked at it from every angle. We've had leak detector companies out here with scanners and in the front lawn; we've had cameras go up pipes looking for leaks. We can't identify that big. We're told if it's that big of a leak then we have a sinkhole. We have had leaks with the piping in the HVAC and got worse. But, not that grand. Maybe an extra \$2,000 one month before we get the repairs completed. It's; nothing compared to what we're seeing. What we plan to do is an energy audit and upgrade. One of the big things we want to look at is controlling the water, putting in special flush things, so that they can only flush the toilet once or every 20 minutes. Water shut-off because we do have mental health inmates that flood and they cut off one cell, they have to shut off a whole bank at one time. A shut-off on the control panels, so we can do that, cut off the water quickly and not have to shut it off for everybody. There are some areas with water that are some concerns that we want to address when we do the energy audit.
  - Sheriff Morgan – For the rounds, that can be an item of special interest. If you're making your rounds and that water's running, you may need to go in there and get that thing turned off. Because we can't afford to continue paying at that kind of rate. And on electricity, as we begin to look, we may need to look and see if we're gonna be able to transition to LED.
    - Hand – And electricity is up of course because of the weather, but historically electricity and natural gas have been trending down. They went up, but they started trending down in the last few years. Water's the only thing that keeps going up. So electricity and natural gas seem to following the flow of the weather, but not the water.
  - Sheriff Morgan – I thought you had steam heat?
    - Hand – Yes.
  - Sheriff Morgan – So why would the electricity be following the weather?
    - Hand – We had summer part of this FY too to factor into that.
  - Sheriff Morgan – The last question is, when are the bonds going to mature?
    - Hand – 2028
  - Sheriff O' Sullivan – What was currently budgeted for the water, sewage, and gas, and electric?
    - Hand – I can't tell you those breakout numbers, but total utilities it's \$2.7 million. That includes utilities, that includes travel and training. That includes telecommunications. That's all in other.
  - Sheriff Morgan – Can we get a graph, of over the last year, inmate population and utilizes, overlaid on top of it, please?
    - Hand – Yes.

#### **New Business, Update on Budget Amendment, Supt. Myers**

- It didn't go through. It was basically it was floated down, as far as I know. But we're still going to continue trying to push it for a new budget year, see if we can get additional staffing. When I look at it, and hindsight is 20/20, the ask may have been too big. So we

may have to bring down the ask to see if we get something. And I will bring that before ya'll, before we take it any further.

- Vice Chair Thomas – Do we know if it made it out of the committee? Did it get out of the budget committees? Where did it get killed?
- Myers – Budget Committee.
  - Sheriff Morgan – Let me take us back to the Treasurer's report, I'll make a motion to accept the Treasurer's Report. *Sheriff Baron 2<sup>nd</sup>. Motion passed.*
- CW Snead – Any other questions on the budget amendment?
- Sheriff Morgan – I will tell you that the Sheriff's Association worked to kill that bill. And I will also say, that in the future, if we're going to try to go and lobby, that we should have a conversation here with the Board first. Talk about objections, potholes on the way, all those things before. And have a board vote on whether or not we should go forward with such an effort. I will tell you right now that was opposed by the Association.
- CW Snead – All the more reason to have the Sheriff's Roundtable.
- Robert Geis – Can I ask, I honestly don't know, why was it opposed?
  - Sheriff Morgan – The overall way that budgets are done, we don't go back and they don't do individual appropriations. If that happens, what ends up happening is your locality may lose out because Fairfax had more influence, more strength, and all those kinds of things. So what happens is the compensation board is the pie cutter...so everything is given to them and then *they* cut that pie. We don't do, except for when we're standing up an organization, or building a new facility, or a manpower study done, or a staffing study done, those will be approved. That money will be held in advance. Then the general assembly when they that fiscal year, they'll make the appropriation. And that's the air mark to that particular facility. There's never an air mark other than those (?) to keep everything on an even – keel.
- Geis – So what I think I heard you say, or as I understood it, the strategy would be not to advocate for a particular organization, but a higher limit overall to be cut between all locations.
  - Right. Or, a particular type of organization that meets a certain type of criteria would have this type of staffing versus...so it's general in nature, but still specific enough to handle the facility.
- DeProfio – Can I ask, that the sheriffs, when they have their meeting with the Superintendent, look to identify legislative strategy going forward?  
*\*Geis 2<sup>nd</sup>. Motion was passed\**
- Vice Chair – We kind of glossed over this – but that was done, lobbying was done without first coming to the board and I do think that's inappropriate.
  - Myers – We came before you in October and told you that.  
September...whenever we met, we did ask you for permission. And that was along with the mayor thing.
- Vice Chair Thomas – You should've come to us first and had that discussion. And that dovetails into another concern that I'd like to point out. Really, be careful about getting ahead of the board. Hardly a week goes by right now without seeing something about this institution in the newspaper. And I'm wondering what benefit that is and why that should come to this board, and we make a decision on whether an announcement should be made to the press. Maybe it's just the lawyer in me...if we've got an issue, we should let our attorneys handle that and we shouldn't be making comments to the news, that may or may not hurt our defenses in these cases.
  - Sheriff Morgan – No, it *might* hurt our defense, because the statement that was made was about the lack of staffing and attributed that to the cause of...?

- Sheriff O'Sullivan – Attorney contacted me and said I can't believe ya'll wrote that in the paper.
  - Myers – That statement was not said that way. When she asked me that statement, I said, "I said no, there was proper staffing through overtime the whole time things were going on." Because she said, "Well did staffing have anything to do with death" and I wanted to make sure...
  - Sheriff Morgan – We're not talking about your interview. The Captain did that.
- Vice Chair Thomas – My suggestion is that no one should be talking to the press unless it first comes through the Board, or if it has to be done before the next Board meeting, talk to the Chair and the Vice Chair.
- CW Snead – I'm not sure that I agree with that.
- Councilwoman Sharon Scott – That's too much (micromanaging?)
- Myers – They put out the part they wanted to put out. I understand it was a soundbite.
- Many – They always do that.
- Sheriff Morgan – What I'm saying is the statement that was made put us in a bad position, and...
- Vice Chair Thomas – What was the benefit of talking to them in the first place? Why? I mean get our defense attorney in here, what will he say? He'll say, "Don't talk".
- Myers – Well see that's been our whole problem. You cannot tell the press no comment. That opens the doors to where your story is not gonna be there. Yeah, we have to be careful, I agree with you. But just by saying, "No comment", you get all this negative press.
  - Vice Chair Thomas – You don't say, "No comment", you say it's under investigation and you can't comment at this time. Which is absolutely, 100% appropriate.
- Myers – Yes, and we do if it happens that way.
- Scott – And then you have to tell them something that you want out in the public. If you can't totally speak to the issue. You have to give a positive – I used to be a reporter – you have to put a positive piece of information to dovetail on whatever they are asking you, so that when they decide to print it, won't just be the negative out there.
- CW Snead – One way to get around this maybe is that when they're getting ready to some sort of press thing, they should alert the board, that we're gonna be interviewing with "such and such". Not necessarily to get our approval, but to at least alert us to the fact that it is happening or is going to happen.
  - Sheriff Morgan – If no one else, at least the Chair. The Chair should know when it's going down.
  - DeProfio – I would think that you all (the sheriffs) should know as well because you all would get asked questions.
- Myers – And I will say there have been cases, especially in December, and we did not notify the Board.
- Vice Chair Thomas (*holding a newspaper article in reference to the housing of juveniles*) - Why talk to the press about this? What good did that do, for you to call the press and talk about that?
  - Myers – They asked about...
- Vice Chair Thomas – That injures each and every one of your local municipalities who support this jail. I disagree; I don't think you should be talking to the press at all without first going to the Board.
- Zakkiyya Anderson, Public Information Officer – Madame Chair, I have a question.
- Myers – My rationale, I'm going to be honest, as most honest as I can when talking to the press, what I'm not going to let them do is catch me in a lie. What I've said to the

press, is what I've said during open session. I've said no more to the press. When I was asked about juveniles: "How are you holding juveniles?" I told them, the state statute...

- Sheriff Baron – Were you asked or did you talk to them about it?
- Myers – They asked me the question. The question was asked. "How are you holding juveniles?" I said, "The state statute allows us to hold juveniles."
  - Sheriff Baron – OK, because they didn't ask any of the rest of us. And all of us are doing the exact thing you are. So it's curious to me how the press came to you, and just asked how you're holding juveniles. And the reason is exactly what the Councilman Thomas is talking about getting in front of the board. It sounds like an agenda. And I understand, we *all* understand, because we talked about it last meeting, the problem with juveniles, and how are we going to house the juveniles. We all have to deal with it, but getting out there and basically saying to the press, and to the whole world, that Hampton Roads Regional Jail is violating federal law – that's *exactly* what it says.
  - Sheriff Morgan – And I will challenge that, and say, show me a federal law that we're in violation. I will challenge it. Because I've searched for it, and I haven't found it.
  - Myers – It's not a law, it's a standard.
  - Sheriff Morgan – Exactly.
  - Vice Chair Thomas – But that's what was said.
  - Sheriff O'Sullivan – And it's very unusual that they wouldn't contact the rest of the sheriffs.
- CW Snead – Are we insinuating that they contacted the...I'm trying to understand
- Sheriff O'Sullivan (I believe) 1 hr 30 min – I'm asking again. Did you all reach out to the staff about that situation?
  - Myers – No we did not. As far as I know of, nobody reached out to talk to the press. All I know is we got a call that morning, and says we wanna come in and talk to you about um what changes you've made, and things you've done. And I said, "OK fine, we can do that – no biggie. We'll take you on a tour of the facility and show you some of the changes." They asked me about juveniles, and I talked about PREA. They asked me were we in violation of PREA. I said the state...
  - Sheriff Morgan – How would they know?
  - Sheriff Roberts – They don't know nothing about PREA.
  - Myers – I'm not sure...
- Anderson – Madame Chair, may I interject, because I have an answer to that question.
  - CW Snead – yes.
- Anderson – So I also serve as Public Information Officer for the jail. So I get a lot of the phone calls that we get from outside and from the press as well. So one answer to your question is that there are mothers that call, of the juveniles that will call the reporters and call the news. And so we get phone calls that trickle in from reporters regarding those matters. Now, they might not ask them directly all the time, but the reporters are aware of the situation, because I've talked to mothers myself...
  - Sheriff Morgan – They know about PREA specifically?
- Anderson – Correct. Like I said, I've had mothers that have called and said, specifically, "You are in violation of PREA." I have.
  - Sheriff Morgan – But we're not.
- Anderson – And I agree with you, but I have gotten those calls. And secondly, when you all say about, as far as, talking to the Board before going to the press, if it reporter calls my line for example, I guess my question to you all is, is the response then to say, "We

aren't able to comment at this time." And then to come to you all every time we get a phone call?

- Sheriff Morgan – No. I think the appropriate thing, at that point, I got a Public Information Officer, and I think we all do. I personally, I am not in the position to answer that, let me check. And I'll get back to you. That's it.
- Anderson – Correct. And so then...
  - Sheriff Morgan – Then you go to the Superintendent
- Anderson – And then bring to the Board?
  - Sheriff Morgan – Have *them* (Superintendent) craft an answer, bring that back to you. But at the same time, *he* is responsible for making a notification to the Chairman or whoever we decide, before you release it.
- Anderson – OK. Before you answer the question?
  - Sheriff Morgan – yes.
- Myers – And if you notice, what we did...We had a phone call yesterday?
  - Anderson – Well it's only Wednesday, so it was Tuesday.
- Myers – Tuesday.
- Sheriff Baron – Yeah, we've been getting emails lately. That's been pretty good.
  - Sheriff Morgan – And that's good.
- Myers – Yeah. And that's what we're trying to do. We're trying to give you a heads up now. Because when it was brought to my attention in December, I said OK, my fault.
- Archer – May I suggest a slightly different approach to this? Because I understand that it's a problematic. For those of you who are familiar with the history and the previous Superintendents' reluctance to engage in the media it put the Board in an equally bad position. We had various conversations, over a period of time about, what's appropriate to comment that's advantageous to the Board and what is not. But I'm going to suggest that to, avoid the one might read in between the lines, as becoming a "you said vs he said", we ought to have a straightforward policy, and this is a matter of our Board. Each one of our jurisdictions has a standard operation procedure that the City Mayor's Office or the Sheriff utilizes every day to manage and monitor inquiries that come from the press. And I think that if you have a clear policy about how you're going to receive those inquiries and respond, it may be a policy that this board wishes to retain at this level. And if it is a potential matter involving litigation, then we certainly should reserve the right not to comment. Except in those matters, under advice from our attorney, we realize that a statement would be appropriate, and would be forthcoming. But don't ever be, put in the position, where you feel like you have to respond on the spot. We all agree, and I think I would encourage you to certainly *not* withhold information, but certainly be prudent in what you do say. So if this is a matter, that I think we need a formal policy, I don't want to add something onto the SOP committee to do, I think that it ought to come internally, as a recommendation, and let us review it, feel comfortable with it, and go forward with adopting it. That would be my recommendation.
- Scott – I just wanna say, as a former journalist, when somebody calls this facility for answers, you can't just not answer them. And the Board is not going to be able to be responsive to every time a reporter calls. When a reporter calls, they already have the information. Like she said, they asked for PREA. If your kid, you're going to research, you're going to find everything there is to find about juvenile detention and how it works, and all the applicable laws. So, as someone else said, instead of just not answering, and waiting for the Board, you do have to tell them that, "I can refer you to this whatever statute that pertains to juveniles." You can direct them to some other information, instead of answering the question, if you're not sure what position it will put you in, based on what this attorney is saying. And I don't think we should stymie the Superintendent's

ability to make a statement without the Board. We hired him because we respected his ability to run this jail, and I think he needs a little flexibility in how he does that. Now, as the Sheriff said about the policy, maybe there should be some policy, but I don't think we should tie his hands.

- Sheriff Baron – I agree, to an extent. But there's some things that, 1) take some time, and say, is this really something that I need to respond to right away? Is this something that is of urgent nature? We had a death in the jail or something like that. Versus a question in reference to, you know, housing juveniles and how does the affect the rest of us? Because it's not just that. When you take it in light with also the fact that Cliff Hayes, who works here, is also presented legislation at the Capitol, in reference to juveniles, the housing of juveniles, in reference to that any facility that's housing the juveniles, must have been inspected or have a review by the Department of Corrections, I believe it is. And that if they're going to be the determiners on whether we can hold juveniles now. And that doesn't just affect Hampton Roads Regional Jail, that affects all of us. And if we can't send them here, which is what the push seems to be, and then we're pushing it back to the cities, in trying to figure out what we're going to do with the juveniles. Because if none of us can hold them, who's going to hold them? And some of these facilities are not built to do that. And they're holding murderers, and they're holding robbers, and they're holding rapists. Some of these folks, they may be 17 years old, but they're not 17 years old.
- Scott – My point is, they already know they're here, so we need to be able to speak to it. I do agree that he shouldn't be rash in making a statement, but they're here. And since they're here, we need to be able to talk about it.
- Sheriff Baron – State law says we can have them here.
- Scott – What we need to decide on is *how* we talk about it.
- Sheriff Baron – I think the response, honestly, would be, state law allows us to hold them here and we're governed by state code. It just goes back to what Martin was saying, don't get out in front of the Board on a lot of things. We're out in front of the Board on legislation in reference to trying to get more people; we're out in front of the Board in trying to make it so that juveniles can't come here, and we're getting out in the media and we're talking about something that affects all of us, all of us.
- Sheriff Morgan – Two thirds of this Board is elected, that's the other issue. Two-thirds of this room, they're elected. They have to answer to their constituents. So it affects in more ways, than most folks understand. And it's not about, winning an election, it's about doing what's right. And at the end of the day, what Joe is alluding to, is that the pushback from this institution to not hold juveniles. And I'm going to tell you right now, that's problematic for every single jurisdiction. And to have someone, that works here, pushing that legislation, that's not good. We haven't had that conversation.
- Myers – Let me address that. We have not pushed back to take juveniles. What we've asked the jurisdictions is to make sure the judge understands that, when we hold a juvenile, we don't separate them. We've had juveniles come in at 14, 15. And here's my thing, PREA, and I know what the standard says. I'm not... Us pushing juveniles away is never the case. We bring the juveniles in. What I said, and I what I told the Board last time, we're keeping them, to accommodate that, we're keeping them locked down the whole time they're here. Especially the frail ones.
  - Sheriff Morgan – That's no different than any other facility. We all face the same problem. But the *state* law, which we are governed, says that's what we're supposed to do, because they're adjudicated as an adult. In this state at 14, you can be adjudicated as an adult. Now granted, what we end up doing, is we try to keep them separated for their protection and those things – we get that, but we're

not the enemy. We're suffering the same issues, and the fix is not, to put us out there like that.

- Geis – Echo about having SOP to handle it. We have a Public Information Officer, it's an additional duty – right that's not your full time job, it's an additional duty? This is kind of a general statement, all of the localities have, full staffs of Finance people, and Budget people, and I think we have 5 people in our Public Communications Office – we have a lot of help. What I would like to, as the City of Chesapeake, and I'm sure all of us, are interested in the success of this institution. And we're all paying members, we're all board members, we're all in the same team. And what I'd like to offer is our expertise. Whether it be on the Budget & Finance side, whether it be on the Public Communications side. There's help available, if we all think – or more importantly, the Superintendent thinks – that you all need assistance, I would offer that we are here to help. And we ought to. We're all in this together. We're all rowing the same boat together. We're gonna succeed together, or we're gonna fail together. We're only gonna succeed if we're all rowing at the same time, the same way. And we have a *lot* help that we can offer. Whether it be, again, Budget & Finance, whether it be Public Communications. I think the time to talk about these things. And I'll just speak to my experience on the Finance Committee, we had a very short period of time, to try to work through some very heavy issues. And honestly, it was hard. And I'd like to not do that again. What I'd like to do, is start working that, start working on next year's budget, now. What I'd like to do, and what I'd like to recommend – the same thing for Operations – I think all of us believe we need to get a better handle on OT and on...
- CW Snead – I think we're getting into almost performance type issues.
  - Geis – No, I'm trying to help.
- CW Snead – I think too, that that's a conversation – there are some things that are being said here – are conversations that I think the Board needs to have alone. Not with his whole full staff here. OK? I think out of sensitivity, we need to do that. You know, then he can lay it out on the line, to us too. Because now it appears that, everybody's trying to put out their issues, today. And so, what I'd like to do is call an Executive Session in a few minutes, so that we can finish discussing whatever it is we need to discuss.
- CW Snead – Are you done with the update on the budget amendment?
  - Myers – Yes ma'am.
- CW Snead – The City of Portsmouth has something that they want to share.
- Robert C. Ike – Our Mayor, John Rowe, received a letter which is a 7 page letter, from inmates here in this facility. And it was written in the form of a petition with numerous allegations of this facility.
  - Sheriff Morgan – Do we have copies for the Board members?
- Ike – I don't have any copies, all we have is one right now.
  - Sheriff Morgan – Well I would ask that we get copies please.
- CW Snead – So we're gonna take a 5 – 10 minute break.
- Ike – Is this something that we need to go into Closed Session to discuss because it references inmates?
  - Myers – Yes.
  - CW Snead – Is that a Closed Session something we can do?
  - Myers – Yes, because possible litigation.
  - CW Snead – Do we have a lawyer here that can tell us.
  - Sheriff Morgan – Well, this is just my opinion. This here is some sovereign citizen stuff that we get all the time. And I didn't see anything, and I didn't read every single word – I tried to get through it as quickly as possible – I didn't see anything

- in here that would require us to get into, in my opinion, Closed Session. But I yield to the attorney.
- Vice Chair – My malpractice coverage, does not cover me for this, but I would agree.
  - Ike – So I'll go ahead with the history of where this came from; basically this letter was sent to our Mayor, John Rowe, for the City of Portsmouth. So he in return, copied to our City Manager, Dr. Patton, who had to leave, because she had another appointment. It went to our City Attorney, myself, and Sheriff Moore, because we're all on this Board. So basically, through our City Attorney through receiving this letter, they wanted us to come and make a request of this Board, and make a motion that this be investigated, and at least have a report back on the outcome of this letter.
  - Sheriff Morgan – What specifically would they like us to investigate, can you articulate that, please?
  - Ike – Well there's just numerous allegations in here, if you want us to go through and read the entire letter, but basically.
    - Sheriff Morgan – No, just outline what they find egregious that we need to investigate.
  - Ike – Let me find something, because it was several of them in here.
  - Sheriff O' Sullivan – Yeah but it's: neglect, prejudice, medical malpractice, internal corruption, lack of proper medicine
  - Ike – I know, it's a laundry list.
    - Sheriff Morgan – We see this every day.
    - Ike – oh, I understand.
  - Sheriff Morgan – There's nothing specific in here, they just took a broad brush and painted.
  - Ike – And I agree.
  - Geis – So the only thing I read in here: *"I myself has suffered these post and present indifferences watching an detainee get beaten to death unmercifully, while administrative officials onlooked the situation."* I mean that to me, is the only allegation, that I read, that's a specific allegation.
  - Ike – I think part of the point is, the fact that the letter was sent to our Mayor, and our City
    - Sheriff Baron – It happens in every city.
  - Ike – And I understand that, but then our attorney advised us to come and request there be an investigation. Because, I guess, since this does happen all the time, I was a previous deputy working in corrections, so I understand this is a daily thing. But I guess if it's just looked upon, that, "Well this happens every day, we're not going to look into." Should us, as a city, notify other outside agencies to look into, because our Board that we're a part of is not looking into it? That's just, ya know...so we have to do basically, what our attorney's advising us. So that's why I'm bringing it to the Board.
  - Sheriff O'Sullivan– In my mind, there's a couple ways that you can handle this, you can kick it to the counsel for the jail; let them make an answer, because this is a legal document. Or, you turn your Internal Affairs Unit loose, and interview every one of these folks, and come up with a statement and try to do that. I don't know if you'd get anywhere. But at this point, that, to me, that's really the only 2 options you got.
  - Sheriff Roberts – And I also suggest, as part of it, is the SOP just take a look at it through their committee and report back to us along with the Lt. in Internal Affairs, so we can just take a broad look at it and say that's what we had done.
  - Sheriff O' Sullivan – We got some allegations, the staff looked into it. I think this is perfectly fine for Investigations to handle.



- CW Snead – Can we, at some point, get a list of everything we've asked the SOP to do. Because, invariably, somebody's gonna come back and wanna know why they haven't done something.
  - Sheriff Roberts – Karen has it.
- CW Snead – OK. So that's resolved. We're going to have it investigated. Everybody OK with that?
  - Ike – Yes, that's all they were asking for, that's very appropriate.
- CW Snead – OK, now, we need to go into Closed Session for just a little bit. So I need a motion to go into Closed Session and cite the motion pursuant to 2.2 – 3711.A.7 of the Code of Virginia for briefings pertaining to a personnel matter and possible litigation. Can I get a motion?
  - *Motion was made by Robert C. Ike Jr. 2<sup>nd</sup> by Robert Geis*
- Pre – Roll Call taken at 3:45

*Closed Session*

- After the Closed Session Roll Call was taken to confirm that everything that was talked about was what was agreed upon beforehand. Taken at 4:34.
- Michael Moore was introduced and welcomed to the Board.
- Sheriff Morgan thanked Chairwoman Snead for her service as Chair. She thanked the Board for their support.

4:35 Adjournment.